

Remarks

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1-3, 5-15, 17-24, 26-35 and 44-46 are now pending in the application, with Claims 1, 14 and 22 being independent. Of the remaining claims, Claims 22-35 have been withdrawn from consideration. New Claim 46 should be included in that group. Non-elected Claims 36-43 have been cancelled without prejudice. Claims 1, 14 and 22 have been amended herein. Claims 44-46 have been added herein.

Initially, Applicants' undersigned representative wishes to thank the Examiner for the courtesies extended during the personal interview of March 16, 2004. During that interview, both the restriction requirement and the rejections under 35 U.S.C. § 102 and § 103 were discussed. Those discussions are summarized below.

During the interview, it was argued that Claims 22-35 (and now new Claim 46) read on the elected group and species and should be rejoined. The Examiner suggests that Claims 22-35 are directed to the dispensing system of Fig. 4. Applicants respectfully disagree. As noted in the paragraph beginning at line 11 of page 14 of the original specification, the dispenser unit 20' is merely another dispenser unit usable with the beverage dispensing system of the present invention. The dispenser of Fig. 4 is no more related to plural dispensers than is the dispenser of Fig. 2. That is, plural dispensers such as those in Fig. 2 and/or those in Fig. 4 can be used in the system of the present invention.

In view of the foregoing, rejoinder of the remaining non-elected claims is respectfully requested.

Claims 1-4, 6-10, 13-16 and 18-21 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,364,159 (Newman et al.). Claims 11 and 12 were rejected under 35 U.S.C. § 103 as being unpatentable over Newman et al. Claims 5 and 17 were rejected under § 103 as being unpatentable over Newman et al. in view of U.S. Patent No. 5,681,507 (Kazuma). These rejections are respectfully traversed.

Each of the remaining independent claims recites that at least one of the water temperature and the CO₂ gas pressure is monitored as the first parameter and if the first parameter is outside a predetermined range, a signal regarding a request for immediate repair service is sent. These claims no longer recite that the water flow rate is one of the monitored first parameters. Support for these amendments can be found in the specification at least at page 9, lines 26 and 27, which states that water temperature and CO₂ gas pressure are first-order parameters for maintaining a proper carbonation level. Another parameter that can affect the carbonation level is the water flow rate and this parameter has been included in dependent Claims 44-46.

During the interview, it was argued that Newman et al. does not sense a water flow rate as a first parameter for which a signal regarding a request for immediate repair service is sent. Although Newman et al. includes a flow meter 34 in water conduit 28, this flow meter is merely used to obtain a desired water level in the carbonator tank and to troubleshoot high-level and low-level probes in the water tank. Newman et al. also uses several current sensing resistors to determine whether various valves are performing correctly. If the valves are operating abnormally, a notification of a fault condition is immediately provided so that repairs can be made at once. As discussed in the interview,

determining whether a valve is malfunctioning is not the same as monitoring a water flow rate.

Nevertheless, in order to avoid this issue, the independent claims have been amended to recite that the water temperature and/or CO₂ gas pressure is monitored as the first parameter. It is respectfully submitted that Newman et al. does not monitor either of these parameters for immediate repair service. Accordingly, independent Claims 1, 14 and 22 are patentable over Newman et al.

Kazuma has also been reviewed but is not believed to remedy the deficiencies of Newman et al. noted above with respect to the independent claims.

Thus, independent Claims 1, 14 and 22 are patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicants respectfully submit that the present invention is patentably defined by independent Claims 1, 14 and 22. Dependent Claims 2, 3, 5-13, 15, 17-21, 23, 24, 26-35 and 44-46 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

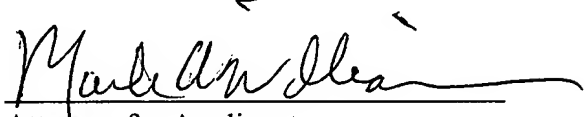
This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in

condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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